

REMARKS

Entry of this Amendment is proper under 37 CFR §1.116, since the only claim amendments incorporate the contents of previous dependent claims 32 and 36 into independent claim 1 to focus the Examiner's attention of the clear difference of purpose and capability of the claimed invention over the references of record, particularly primary reference Nagar.

Claims 1, 31, 33-35, and 37-41 are all of the claims presently pending in the application. Claims 2-30, 32, and 36 are canceled.

Claims 1, 31, 32, and 36-39 stand rejected under 35 USC §103(a) as allegedly unpatentable over US Patent 6,604,143 to Nagar et al., further in view of US Patent Application Publication US 2002/0178381 to Lee et al., further yet in view of Bowen, "Apache Administrator's Handbook." Claim 33 stands rejected under 35 USC §103(a) as allegedly unpatentable over Nagar/Lee/Bowen, further in view of US Patent Publication 2002/0073206 to Jawahar et al. Claims 34 and 41 stand rejected under 35 USC §103(a) as allegedly unpatentable over Nagar/Lee/Bowen, further in view of US Patent Publication 2002/0161626 to Plante et al. Claims 35 and 40 stand rejected under 35 USC §103(a) as allegedly unpatentable over Nagar/Lee/Bowen, further in view of US Patent 6,298,356 to Jawahar et al.

It is noted that Applicants specifically state that no amendment to any claim herein, if any, should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

The prior art rejection is respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

Applicants' invention, as disclosed and claimed in, for example, independent claim 1, is directed to a method of capturing dialog on a computer network. Based on an initial access request to a first network node, contact is established with an intermediary node so that a subsequent dialog is directed through the intermediary node by causing a request inbound to the first network node to be directed to the intermediary node and causing a response outbound from the first network node that responds to the request to be directed to the intermediary node, wherein a plurality of requests inbound to the first network and a plurality of responding outbound responds are directed to the intermediary node, thereby capturing substantially an entirety of a dialog with the network node. The inbound request and the outbound response are directed to the intermediary node by causing a network address of the intermediary node to be added to the inbound request and to the outbound response. The dialog is logged, by storing in a memory predetermined data related to at least one of the inbound requests and the outbound responses.

The dialog is analyzed to measure at least one parameter related to the dialog. The intermediary node modifies the content of at least one of the inbound requests and the outbound responses, wherein the modifying includes adding the network address of the intermediary node so that the dialog continues to be directed to the intermediary address. Modifying the content further includes adding the network address of the intermediary node to any of an inbound request and an outbound response related to a second node in the network, thereby additionally causing a dialog with the second node to be directed through the intermediary node as dialog related to said initial access request.

The conventional methods of capturing dialog with a web server, for such purpose as evaluating the effectiveness of a web site, as described beginning at line 2 of page 2 of the specification do not have the capability to capture both sides of the dialog, and so are

incomplete.

In contrast, the present invention provides a method by which the complete dialog can be logged and analyzed for such evaluations as determining a measurement of parameters related to the effectiveness of a web site.

II. THE PRIOR ART REJECTIONS

The Examiner alleges that Nagar, when modified by Lee, renders obvious claim 1. Applicants respectfully disagree, since neither of these two references have the purpose of the present invention, to be able to capture a complete dialog between a user on a browser and a web site.

Applicants have amended independent claim 1 to clarify how this purpose differs from either of these two references. More specifically and turning to the clear language of the claims, in neither Nagar nor Lee is there a teaching or suggestion of: “... logging said dialog, by storing, in a memory, predetermined data related to at least one of said inbound requests and said outbound responses; analyzing said dialog to measure at least one parameter related to said dialog ...”, as required by independent claim 1.

Primary reference Nagar is not directed to capturing a dialog. Rather, its purpose is to filter information. For example, as explained in lines 29-31 of column 1, Nagar is concerned with the problem of filtering responses: “*For example, a business or government agency may not want security or sensitive information leaving their domain, e.g., local network.*” This purpose of filtering is confirmed in both the Abstract and claim 1 of Nagar. Secondary reference Lee likewise is directed to filtering undesirable content (see Abstract).

In contrast, the claimed invention is directed to capturing the dialog with the network node, including capturing the dialog in its entirety, even if the user moves to another web site. Neither Nagar nor Lee is concerned with capturing a dialog. In paragraph 2 on page 2 of the

Office Action mailed on March 20, 2009, the Examiner alleges that this argument is “... *not directed to the pending claim language.*”

In response, Applicants bring to the Examiner’s attention that independent claim 1 clearly makes the requirement “... *thereby capturing substantially an entirety of a dialog with said network node*” As pointed out in dependent claim 36, this dialog capture capability continues even if the user wanders to another web site.

However, in an attempt to expedite prosecution, Applicants have incorporated dependent claims 32 and 36 into independent claims to focus the Examiner’s attention on the capabilities of the claimed invention that clearly distinguish from Nagar, including the distinctly different purpose.

In the rejection of record for independent claim 1, the Examiner relies upon primary reference Nagar for demonstrating a capture of a dialog. However, Applicants are not able to find any support that this reference captures a dialog, and the Examiner offers no reasonable support. The Examiner alleges that Fig. 3, lines 22-60 of column 7, and line 50-53 of column 6 supports his position that Nagar captures substantially an entirety of a dialog.

However, this description relates to the filtering of information, and the closest that Nagar comes to capturing a dialog is vague reference in lines 50-53 of column 6 to a logging of responses. However, this logging of responses is different from the capability of the claimed invention to capture the entire dialog, including the capture of the dialog as the user moves to other web sites. Nagar also fails to analyze the captured dialog. The simple filtering described in Nagar is not an analysis of the dialog, particularly in view of description in claim 1 that at least one parameter of the dialog is thereby measured by the dialog analysis.

As further described in dependent claim 33, the parameter measured by this analysis might be an effectiveness of the web site, which is completely unrelated to the purpose of Nagar. As further described in dependent claim 34, a natural language processing module can allow a context of the dialog to be determined, or, as described in claim 41, allow a user’s state to be determined.

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Neither primary reference Nagar nor secondary reference Lee have any of these features of the claimed invention and have no reason to have these features added, since addition of these features would change the purpose of these two references.

In the rejections of record, the Examiner clearly uses the claimed invention as a roadmap to modify Nagar in accordance with various references totally unrelated to the purpose of primary reference Nagar. In all these modifications, the Examiner's rationale is merely that of using circular arguments, alleging that one would have been motivated to modify Nagar for the purpose of providing the element conceded to be missing. The fundamental flaw with this approach is that the purpose of Nagar is not enhanced by any of these modifications.

Applicants submit that such conclusory circular arguments, wherein elements totally unrelated to the purpose of primary reference Nagar are extracted as abstract ideas, out-of-context from their own reference as well as out-of-context relative to the purpose of primary reference Nagar, clearly demonstrates that there is no expectation of success in making the urged modifications based on using the claimed invention as a roadmap, to use the language of the holding in *KSR*.

Stated in a different manner, the extraction of elements from references unrelated to the purpose of the primary reference as out-of-context abstract ideas fails to consider the claimed invention as a whole, as required by MPEP 2141.02: "*In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.*" (emphasis in the MPEP itself), *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983).

Applicants submit that the evaluation of record merely attempts to consider the differences themselves and fails to evaluate the claimed invention as a whole, particularly in view of the purpose of the primary reference.

Hence, turning to the clear language of the claims, in Nagar there is no teaching or suggestion of (and there would be no reason to modify Nagar for): "... analyzing said dialog to

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measure at least one parameter related to said dialog; ... said modifying said content further comprising adding said network address of said intermediary node to any of an inbound request and an outbound response related to a second node in said network, thereby additionally causing a dialog with said second node to be directed through said intermediary node as dialog related to said initial access request”, as required by claim 1.

Therefore, the Examiner is respectfully requested to reconsider and withdraw the rejection currently of record for claim 1.

The Examiner alleges that it would have been obvious to modifying Nagar by secondary reference Lee, as well as Bowen, Jawahar ‘206, Plante, and Jawahar ‘356, thereby rendering obvious all of the claims. In response, Applicants respectfully submit that none of these additional references are reasonably related to the purpose of primary reference Nagar, thereby indicating these rejections are based upon improper hindsight, using the claimed invention as a roadmap.

That is, none of the Examiner’s alleged combinations would reasonably provide any improvement to primary reference Nagar consistent with its stated purpose of providing a simple filtering function.

Therefore, Applicants submit that there are elements of the claimed invention that are not demonstrated as obvious based on Nagar, and the Examiner is respectfully requested to reconsider and withdraw these rejections.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1, 31, 33-35, and 37-41, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.


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Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Please charge any deficiencies in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0510.

Respectfully Submitted,



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